

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON CRAIG SADEWASSER,

Plaintiff,

v.

PIERCE COUNTY JUDICIAL SYSTEM,

Defendant.

CASE NO. 3:23-cv-05323-LK

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida. Dkt. No. 4. Neither party filed objections. As set forth below, the Court Adopts the Report and Recommendation (“R&R”) and dismisses Jason Craig Sadewasser’s Complaint without prejudice.

I. BACKGROUND

Mr. Sadewasser, who is appearing pro se, is currently detained at Pierce County Jail. Dkt. No. 4 at 1. He filed a 42 U.S.C. § 1983 complaint alleging that Defendant “Pierce County Judicial System” violated his rights by conducting a criminal court omnibus hearing in an unconstitutional manner. *Id.*; Dkt. No. 1 at 2–8. Mr. Sadewasser seeks \$1.5 million dollars in damages and certain

“procedural safeguards” at hearings including an opportunity to be heard and the provision of counsel. Dkt. No. 1 at 2, 7–8. On April 13, 2023, the Court filed a Notice of Filing Deficiency. notifying Mr. Sadewasser that the required filing fee had not been paid, and that a copy of his prison trust account statement needed to be submitted to the Court. Dkt. No. 3 at 1. The Notice instructed Mr. Sadewasser that these deficiencies had to be corrected by May 15, 2023. *Id.* Mr. Sadewasser did not correct those deficiencies or file anything after his proposed complaint in April 2023.

II. DISCUSSION

A. Legal Standard

Under 28 U.S.C. § 1915A, the Court must screen complaints filed by detainees and must “dismiss the complaint, or any portion of the complaint, if it is: (1) frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” § 1915A(a), (b); *accord* § 1915(e)(2); *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998).

In reviewing a magistrate judge’s report and recommendation, this Court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which” a party objects. 28 U.S.C. § 636(b)(1); *see* Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (same). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see* Fed. R. Civ. P. 72(b)(3). However, the Federal Magistrates Act “does not on its face require any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see*

1 *Reyna-Tapia*, 328 F.3d at 1121 (“[T]he district judge must review the magistrate judge’s findings
2 and recommendations de novo *if objection is made*, but not otherwise.”).

3 **B. The Report and Recommendation**

4 Judge Tsuchida recommended dismissal without prejudice of Mr. Sadewasser’s complaint
5 because (1) the named defendants are immune from suit brought under 42 U.S.C. § 1983; and
6 (2) the complaint appears to challenge an ongoing state criminal matter. Dkt. No. 4 at 5. Because
7 the Pierce County Superior Court has sovereign immunity from suit under the 11th Amendment,
8 *Will v. Michigan Dep’t of State Police*, 520 U.S. 43, 69 (1997); Wash. Const. art. IV, § 1.6, the
9 Court agrees with this basis for dismissal. It need not reach the other basis for dismissal.


10 The Court also agrees with Judge Tsuchida’s recommendation that the complaint should
11 be dismissed because Mr. Sadewasser has not paid the filing fee or filed an application to proceed
12 in forma pauperis despite being advised that the case would be dismissed if he failed to do so. Dkt.
13 No. 4 at 2.

14 **III. CONCLUSION**

15 For the foregoing reasons, the Court ADOPTS the Report and Recommendation, Dkt. No.
16 4, and dismisses Mr. Sadewasser’s complaint without prejudice.

17 The Clerk of the Court is directed to send this Order to Judge Tsuchida, all counsel of
18 record, and Mr. Sadewasser.

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20 Dated this 21st day of August, 2023.

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Lauren King
23 United States District Judge
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